Statement of Subcommittee Chairwoman Martha McSally (R-AZ)
Border and Maritime Security Subcommittee

Overstaying Their Welcome: National Security Risks Posed by Visa Overstays
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Remarks as Prepared

Border security naturally evokes images of the hot Arizona desert, dusty border roads, agents in green, fencing and camera towers. But a broader view of border security recognizes that there is more than just security along the southwest border to consider.

Time and time again, terrorists have exploited the visa system by legally entering America. The 9/11 Commission put it this way: "For terrorists, travel documents are as important as weapons."

The Commission's focus on travel documents is not surprising. Since the 1993 World Trade Center bombing, terrorists have abused the hospitality of the American people to conduct attacks here at home.

Mahmud Abouhalima, an Egyptian convicted of the 1993 World Trade Center bombing, worked illegally in the US as a cab driver after his tourist visa had expired.

At least four of the 9/11 hijackers overstayed their visas, or were out of status – a missed opportunity to disrupt the attacks that killed nearly 3,000 of our fellow Americans.

And among the most important weaknesses the attackers exploited was the porous "outer ring of border security." The hijackers passed through U.S. border security a combined total of 68 times without arousing suspicion.

More recently, Amine el-Khalifi attempted to conduct a suicide attack on the U.S. Capitol in 2012. He had been in the country since 1999 on a tourist visa, but never left.

Another man, arrested in the aftermath of Boston Marathon bombing who helped destroy evidence, was able to return to the United States despite being out of status on his student visa.

Clearly, visa security is an important element of keeping the homeland secure.

To put the national security risks in perspective, a widely cited 2006 Pew Hispanic Center Study, indicated as many as 40% of all illegal aliens who come into our country do not cross the desert in Arizona, but come in through the "front door" at our land, sea, and air ports of entry, with permission, and then overstay their welcome.

Earlier this year, the Department of Homeland Security released a visa overstay report demonstrating the visa overstay problem may be much worse than previously thought. In fiscal year 2015, fewer people were

apprehended by the US Border Patrol, than overstayed their visas and are suspected of still being in the country, making the estimate closer to 60% of those illegally in the United States.

I am concerned that there are unidentified national security and public safety risks in a population that large, which has historically been the primary means for terrorist entry into the United States.

In order to tackle the challenge, the Department has to first identify those who overstay their visa in the first place. A mandate to electronically track entries and exits from the country has been in place for more than 20 years, and a mandate for a biometrically-based entry-exit system has been a requirement for 12 years.

Since 2003, we made substantial progress adding biometrics to the entry process and we now take fingerprints and photographs of most visitors entering on a visa.

But CBP has made, in fits and starts, only marginal progress when it comes to biometric exit. There have been a series of exit pilot projects at the nation's air, land and sea ports over the last 10 years, but no plan to ever implement a biometric exit capability was seriously considered by CBP and the Department.

CBP is now engaged in a series of operational experiments, such as the use of mobile devices with biometric readers, designed to support a future biometric exit system. In fact, until very recently, the political will to make biometric exit a priority was missing from Department and CBP leadership. Thankfully, it appears that the Department has finally turned a corner.

Secretary Johnson has now committed to a 2018 roll out of an operational biometric exit system at the nation's highest volume airports – an ambitious timeline, but long overdue. And Congress has recently provided a steady funding stream, in the form of new fees that will enable CBP to make investments to bring the system online.

Putting a biometric exit system in place is, as the 9/11 Commission noted, "an essential investment in our national security," because without a viable biometric exit system, visa holders can overstay their visa, and disappear into the United States; just as four of the 9/11 hijackers were able to do.

And once we identify overstays, especially those who present national security and public safety threats, we must dedicate the resources necessary to promptly remove those in the country illegally – otherwise we put our citizens at risk unnecessarily.

Yet, even as we dedicate scarce resources to pursue this small sub-set of overstays, up to 25% of this group was found to have already departed the United States after ICE Special Agents conducted full field investigations. We are spending too much time chasing our tails.

Adding a reliable exit system will be an immediate force multiplier that allows national security professionals to focus their efforts on preventing terrorist attacks. Doing so mitigates the chance that visitors can stay in the country beyond their period of admission – and reduces the terrorist threat in the process.

The American people need to know answers to these simple questions:

How many more overstays are out there who pose a serious threat to the security of the homeland?

Can Immigration and Customs Enforcement quickly identify and remove visa overstays to mitigate the substantial national security risks?

I look forward receiving answers to these important questions, and to discuss their efforts to address of the challenge of visa overstays.

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